

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BERNINGER
Serial No. : 10/736,031
Confirm. No. : 4162
Filed : December 15, 2003
For : METHOD AND DEVICE...
Art Unit : 3726
Examiner : OMGBA, Essama
Dated : January 18, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.136 (a)

Sir:

The Office Action dated October 5, 2006 provided for a shortened statutory period for response of three months.

The shortened statutory period expired January 5, 2007.

Since the attached response is being filed within the first month pursuant to 37 CFR 1.136(a) Applicant respectfully requests the Examiner to charge the appropriate petition fee of \$120.00 (fee code 1251).

Respectfully submitted
for Applicant(s),



By:

John James McGlew

Reg. No.: 31,903

For: McGLEW AND TUTTLE, P.C.

JJM:tf

DATED: January 18, 2007
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND
TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO
OUR DEPOSIT ACCOUNT 13-0410.